

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BETHLEHEM MANOR VILLAGE, LLC,

CIVIL ACTION

Plaintiff,

v.

NO. 22-5215

**CITY OF BETHLEHEM,
CITY COUNCIL OF THE CITY OF
BETHLEHEM and
ROBERT J. DONCHEZ, former Mayor of
the City of Bethlehem,**

Defendants.

ORDER

AND NOW, this 30th day of September, 2024, upon consideration of Defendants' Motions to Dismiss and all responses thereto (ECF Nos. 21-25, 28), it is hereby **ORDERED** that the Motions to Dismiss are **DENIED IN PART** and **GRANTED IN PART**. It is hereby ordered as follows:

- (1) City of Bethlehem and City Council of the City of Bethlehem's Motion to Dismiss Plaintiff's Amended Complaint as time-barred is **DENIED**.
- (2) City of Bethlehem and City Council of the City of Bethlehem's Motion to Dismiss City Council of the City of Bethlehem as a Defendant is **GRANTED**.
- (3) Former Mayor of the City of Bethlehem, Robert J. Donchez's Motion to Dismiss Plaintiff's Amended Complaint as time-barred is **DENIED**.
- (4) Former Mayor of the City of Bethlehem, Robert J. Donchez's Motion to Dismiss himself in his official capacity is **DENIED**.
- (5) Former Mayor of the City of Bethlehem, Robert J. Donchez's Motion to Dismiss Plaintiff's Amended Complaint as to the Fourteenth Amendment procedural due

process and equal protection claims in his individual capacity is **GRANTED**. Those claims are dismissed **WITHOUT PREJUDICE**.

(6) Former Mayor of the City of Bethlehem, Robert J. Donchez's Motion to Dismiss Plaintiff's Amended Complaint as to the Fourteenth Amendment substantive due process claims in his individual capacity is **DENIED**.

(7) Within fourteen (14) days of this Order, Defendants shall file an answer to Plaintiff's First Amended Complaint.

BY THE COURT:

/s/ Hon. Kelley B. Hodge

HODGE, KELLEY B., J.